THE HONORABLE BRIAN D. LYNCH
CHAPTER 13
HEARING DATE: January 30, 2019
HEARING TIME: 1:30 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: January 23, 2019

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:

Case No.: 15-45816-BDL

DARONG HAP and SODAROTH MEL,

Debtors.

Case No.: 15-45816-BDL

NOTICE OF AND MOTION FOR DISMISSAL PURSUANT TO 11 U.S.C. § 1307(c)

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Brian D. Lynch at 1:30 P.M. on January 30, 2019, at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom I, Tacoma, WA 98402.

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is January 23, 2019. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

Michael G. Malaier Chapter 13 Standing Trustee 2122 Commerce Street Tacoma, WA 98402 (253) 572-6600

MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

- 1. Debtors filed this case on December 21, 2015. The case was confirmed by order of the Court on April 27, 2016.
- 2. Pursuant to the confirmed plan, Debtors are required to make plan payments of \$1,823.08 Bi-weekly. Debtors are presently delinquent in plan payments in the amount of \$2,636.59 and the plan is underfunded to complete in the remaining months allowed, supported by the Declaration filed herewith.
- 3. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 4th day of January, 2019 at Tacoma, Washington.

Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for Michael G. Malaier, Chapter 13 Trustee

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

25